

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 225

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO DRUG COURT AND MENTAL HEALTH COURT ACT; AMENDING SECTION 19-5604, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE ELIGIBILITY OF A PERSON TO BE ADMITTED INTO DRUG COURT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-5604, Idaho Code, be, and the same is hereby amended to read as follows:

19-5604. ELIGIBILITY. (1) No person has a right to be admitted into drug court. The drug court in each county shall determine the eligibility of persons who may be admitted into drug court except that each candidate, prior to being admitted, must undergo: (a) a substance abuse assessment; and (b) a criminogenic risk assessment.

(2) No person shall be eligible to participate in drug court if any of the following apply:

(1a) The person is currently charged with, has pled or has been adjudicated or found guilty of, a felony crime of violence or a felony crime in which the person used either a firearm or a deadly weapon or instrument.

(2b) The person is currently charged with, or has pled or been found guilty of, a felony in which the person committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

(3) A drug court may, after consultation with the drug court team and with the consent of the prosecuting attorney, allow a person to participate in drug court who would otherwise be ineligible only because of the provisions of subsection (2) (a) of this section.